

CRUTCHO PUBLIC SCHOOL

JUN 18 2002

Dr. Kermit V. Jones
Superintendent

E-mail: kjones@crutchoesd.org

2401 N. Air Depot Blvd.
Oklahoma City, OK 73141-1407

Phone (405) 427-6372
Fax (405) 427-8052

FCC - MAILROOM

APPEAL and REQUEST FOR WAIVER OF APPLICATION WINDOW

June 11, 2002

Federal Communications Commission

Office of the Secretary

Certified Mail Receipt No. 7001 1940 0004 9991 0747445 12th Street, SW

Washington, D.C. 20554

Re: CC Docket Nos. 96-45 and 97-21

Provide your contact information:

Dr. Kermit V. Jones, Superintendent
Crutcho Public School
2401 North Air Depot Boulevard
Oklahoma City, Oklahoma 73141-1407
Ph. (405) 427-6372, ex. 226
Fax: (405) 427-8052
e-mail:

or Michael Johnson
Network Administrator
Crutcho Public School
2401 N. Air Depot Boulevard
Oklahoma City, Oklahoma 73141
Ph. (405) 427-3771
Fax: (405) 427-3816
e-mail: mjohnson@crutchoesd.org

Identify which SLD action you are appealing:

Post card dated March 29, 2002, advising that Form 471 for E-Rate yr 5 had been received-but submitted after the 11:59 p.m. EST, January 17 Window Close. (See attached copy thereof).

Identify the particular Funding Request Number, whenever applicable, that is the subject of your appeal.

471 Application Number: 311147
Funding Year: 07/01/2002-06/30-2003
Billed Entity Number: 139840

No. of Copies rec'd 0
List ABCDE

Explain your appeal and include copies of all relevant documentation:

Pursuant to the Appeals Procedure (revised 3/5/2002) [as posted at www.sl.universalservice.org], Crutcho Public Schools, an Elementary School District #C-074, Oklahoma County, State of Oklahoma does hereby appeal the decision of the Schools and Libraries

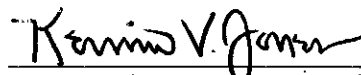
Division concerning our recent Form 471 application for e-rate year 5 wherein it was determined that our Form 471 application “has been received – but submitted after the 11:59 p.m. EST, January 17 window close.”

On April 19, 2002, we submitted a Letter of Appeal (Application Number 31147) to the Schools and Libraries Division regarding the apparent denial of our Form 471 application. On April 24, 2002, an “Administrator’s Decision on Waiver Request” was issued [see attached copy hereto], indicating inter alia, that “your request for a waiver of the application window deadline may not be considered by SLD.” We have herein timely (within sixty days of April 24, 2002) submitted our appeal and request for waiver of application window to the Federal Communications Commission.

We submit that the district submitted an application, albeit without the signature page, see attached copy thereof, that was timely and in **substantial compliance** with the application process established by the SLD. That when seeking assistance from the SLD to print the digital signature page on January 15, 2002, the SLD representative failed to apprise the district’s Network Administrator/Computer Technician that the deadline was January 17, 2002, see attached Affidavit. That the school district could have easily transmitted the digital signature page timely had the SLD representative mentioned the impending deadline.

Provide an authorized signature on your letter of appeal when you file your appeal by mail, by express delivery service, by hand delivery, or by facsimile.

Authorized Signature:



Dr. Kermit V. Jones, Superintendent
Crutcho Public School

USAC

P.O. Box 7026
3833 Greenway Drive
Lawrence, KS 66044-7026



Michael Johnson
CRUTCHO SCHOOL DISTRICT 74
2401 N AIR DEPOT BLVD
OKLAHOMA CITY OK
73141

ATTENTION:
2002-2003 E-RATE APPLICANTS

MAILING DATE:
March 29, 2002

Applicant Form Identifier: E_Rate yr5



**YOUR FORM 471 HAS BEEN RECEIVED –
BUT SUBMITTED AFTER THE 11:59 P.M. EST,
JANUARY 17 WINDOW CLOSE**

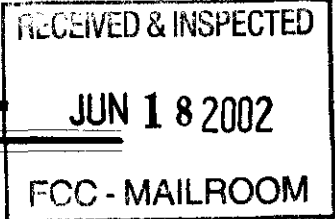
We're sending this card to thank you for your recent Form 471 application but also to let you know that your application was submitted after the 2002-2003 filing window closed at 11:59 p.m. EST on January 17, 2002.

We are holding your application pending final processing of those applications that were filed within the filing window.

For more information about the processing of 2002-2003 applications, about funding for applications filed after the close of the filing window, about appealing the status of your Form 471 application, or about plans for the 2003-2004 application process, please visit our web site at www.sl.universalservice.org or call the Client Service Bureau at 1-888-203-8100.

Schools and Libraries Division

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CRUTCHO PUBLIC SCHOOL

Dr. Kermit V. Jones
Superintendent

E-mail: kjones@crutchoesd.org

2401 N. Air Depot Blvd.
Oklahoma City, OK 73141-1407

Phone (405) 427-6372
Fax (405) 427-8052

LETTER OF APPEAL

April 19, 2002

Schools and Libraries Division
 Box 125 – Correspondence Unit
 80 South Jefferson Road
 Whippany, NJ 07981

Certified Mail Receipt No. 7001 1940 0004 9991 0655

Provide your contact information:

Dr. Kermit V. Jones, Superintendent
 Crutchcho Public School
 2401 North Air Depot Boulevard
 Oklahoma City, Oklahoma 73141-1407
 Ph. (405) 427-6372, ex. 226
 Fax: (405) 427-8052
 e-mail:

or Michael Johnson
 Network Administrator
 Crutchcho Public School
 2401 N. Air Depot Boulevard
 Oklahoma City, Oklahoma 73141
 Ph. (405) 427-3771
 Fax: (405) 427-3816
 e-mail: mjohnson@crutchoesd.org

Identify which SLD action you are appealing:

Post card dated March 29, 2002, advising that Form 471 for E-Rate yr 5 had been received- but submitted after the 11:59 p.m. EST, January 17 Window Close. (See attached copy thereof).

Identify the particular Funding Request Number, whenever applicable, that is the subject of your appeal.

471 Application Number: 311147
 Funding Year: 07/01/2002-06/30-2003
 Billed Entity Number: 139840

Explain your appeal and include copies of all relevant documentation:

Pursuant to the Appeals Procedure (revised 3/5/2002) [as posted at www.sl.universalservice.org], Crutchcho Public Schools, an Elementary School District #C-074, Oklahoma County, State of Oklahoma does hereby appeal the decision of the Schools and Libraries Division concerning our recent Form 471 application for e-rate year 5 wherein it was determined that our Form 471 application “has been received – but submitted after the 11:59 p.m. EST, January

17 window close.”

We submit that the district submitted an application, albeit without the signature page, see attached copy thereof, that was timely and in **substantial compliance** with the application process established by the SLD. That when seeking assistance from the SLD to print the digital signature page on January 15, 2002, the SLD representative failed to apprise the district’s Network Administrator/Computer Technician that the deadline was January 17, 2002, see attached Affidavit. That the school district could have easily transmitted the digital signature page timely had the SLD representative mentioned the impending deadline.

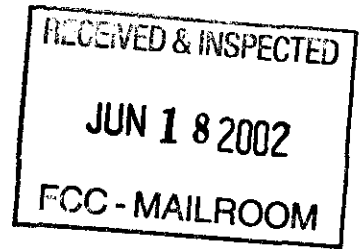
Provide an authorized signature on your letter of appeal when you file your appeal by mail, by express delivery service, by hand delivery, or by facsimile.

Authorized Signature:

Dr. Kermit V. Jones, Superintendent
Crutcho Public School

AFFIDAVIT

COUNTY OF OKLAHOMA)
) ss:
STATE OF OKLAHOMA)



The undersigned, Michael Johnson, having been duly sworn under oath, does hereby depose and state as follows:

1. That Affiant is an employee of the Crutch Public School district, and works for the district as the Network Administrator and Computer Technician.

2. Among Affiant's many duties for the district, he has worked on compiling, and filing e-rate, Form 471 applications, with the Schools and Libraries Division on behalf of the school district.

3. That in the early part of January, 2002, Affiant completed the Form 471 application on-line, with the exception of the signature page, and transmitted same to the Schools and Libraries Division ("SLD"). See a copy of the attached application as submitted to SLD.

4. At the end of the online application, a digital or written signature was required, and Affiant selected for the digital signature. However, Affiant was unable to print out the signature page because he did not have the requisite ID and password. Likewise, Affiant was neither able to back up to the previous web page nor request for a written signature instead.

5. On or about January 15, 2002, Affiant called the S.L.D., ph. (888) 203-8100, and spoke to one of their representatives, i.e. a gentleman, who instructed Affiant on printing out the signature page. The SLD representative did not advise Affiant that the completed signature page had to be post-marked on or before January 17, 2002.

6. After successfully printing the signature page, Affiant retained same awaiting receipt of certain required attachments, whereupon Affiant intended to forward the signature page and attachments to the SLD.

7. On January 22, 2002, Affiant contacted the SLD to find out the deadline for submitting the signature page. At this point, Affiant was initially advised that the deadline for the signature page was January 17, 2002, and that it was now too late. Whereupon, Affiant then spoke with the vice-president of the SLD and explained the situation to him. This person advised Affiant that the only available remedy was to petition the F.C.C. for relief.

Further Affiant saith naught.

AFFIANT

Michael Johnson

SUBSCRIBED AND SWORN to before the undersigned Notary Public in and for said County and State, by Michael Johnson on this ____ day of April, 2002, in Midwest City, Oklahoma, for the intent and purposes stated hereinbefore.

Notary Public

My commission expires: _____



Universal Service Administrative Company
Schools & Libraries Division

RECEIVED & INSPECTED

JUN 18 2002

FCC - MAILROOM

Administrator's Decision on Waiver Request

April 24, 2002

Kermit V. Jones
Crutch Public School
2401 North Air Depot Boulevard
Oklahoma City, OK 73141

Re: Your Request for Waiver of Application Window For Program Year 5 2002-2003

Application Number: 31147

Date Request Received: 4/23/2002

The Schools and Libraries Division received your request, cited above, for a waiver of the application window deadline for the Schools and Libraries Universal Service Support Mechanism (E-Rate).

The Federal Communications Commission (FCC) rules do not permit the Schools and Libraries Division (SLD) to consider your request. Therefore, your request for a waiver of the application window deadline may not be considered by SLD. If you wish to appeal this decision, you may submit an appeal, via the United States Postal Service, to the FCC at the following address:

**Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554**

If you are submitting your appeal to the FCC by means other than the United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be considered filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org or by contacting the Client Service Bureau at 1-(888)-203-8100.

Schools and Libraries Division
Universal Service Administrative Company